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Voter Registration in Minnesota

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ABSTRACT—This is a study of Minnesota's system of permanent voter registration used by 71 municipalities in the state. The commissioner of registration in each of these municipalities was sent a questionnaire on which he indicated his reaction to the effectiveness of the system.

The results indicated that regulations should be changed to provide for the following: (1) spot checks on the accuracy of information given by registrants; (2) notification of previous registration district when a voter registers in a new district; (3) use of permanent registration files in school elections; (4) better communications between county and municipal governments in keeping files purged of disqualified voters.

A registered voter is one who has appeared before the proper election official at the proper time and established his right to vote. In smaller communities this procedure consists only of giving your name when you go in to vote and having it entered on the register file. It was quite satisfactory when election officials personally knew the voters and their qualifications. However, as communities expanded, election officials knew less and less about the voters in their election district. It became necessary to require advance registration to give election officials time to authenticate a voter's qualifications. Unless this was done effectively, opportunities existed for many people to vote who did not meet the qualifications. Sometimes the fraud was deliberate, at other times, it was inadvertent.

Like the rest of the United States, Minnesota recognizes the need for advance voter registration to insure against voting by nonqualified voters. Minnesota law requires registration in all municipalities with a population of 10,000 or more and permits such registration in other municipalities if the governing body wants it.¹

Types of Registration

Advance voter registration may be of two general types: permanent and periodic. Periodic registration requires voters to re-register at specific intervals. This is inconvenient for the voters, expensive, and tends to discourage a large turn-out of voters. Permanent registration is more widely used at the present time and is the type used in Minnesota. It permits the registered voter to stay on the voting list indefinitely, providing he remains in the voting district and meets certain other requirements. Only if he fails to meet these requirements is he obligated to re-register in order to vote. Permanent registration is easy on the voters, less expensive, and encourages a higher turn-out of voters. However, it is harder to administer because election officials must remove from

the files the names of those persons who have moved, died, been committed to some mental institution, changed their names or in some other way disqualified themselves from voting. If the registration files are not properly constructed, used, and purged, the objectives of voter registration are not achieved.

Voter Registration Files in Minnesota

As a Minnesota voter for many years, the writer has noted a number of weaknesses in the permanent voter registration system in Minnesota. As a neutral member of one of the gubernatorial recount teams in 1962, further irregularities were noted. It is highly probable that the large majority of these weaknesses and irregularities do not represent fraudulent intent, but they do result in votes cast by nonqualified voters and they influence election returns. The survey of weaknesses and irregularities described in this paper has as its intent the strengthening of the Minnesota voter registration system and not the criticism of any individual or officer.

Forrest Talbott, Assistant Secretary of State, supplied information indicating that 71 communities in Minnesota had a functioning system of permanent registration as of December 5, 1963. A questionnaire was prepared and sent to the commissioner of registration in each of these communities.

Of the 71 questionnaires sent, three failed to reach the commissioner of elections and were returned. From the 68 that did reach their destination, 54 were returned and filled out in usable form. As questionnaires go, this is an excellent rate of return. Most forms were completed with great care and in considerable detail.

The questions posed were designed to determine the degree to which pertinent Minnesota statutes were adhered to, and to assess the reaction of the commissioners of registration to the statutes. Therefore, in examining the results of the questionnaire, I shall relate statute to the composite of questionnaire responses.

Questionnaire Results — Registration of Voters

Registration Hours

The law requires the commissioner of registration to keep reasonable hours to make registration possible. It specifically requires that registration be open until 9:00 P.M. the last three registration days.²

² *Ibid.*, Section 201.05.

The author, Chairman of the Political Science Department, received the B.S. degree from Bemidji State College in 1947; M.A. and Ph.D. degrees in Political Science from the State University of Iowa in 1949 and 1951. For one year, he was a high-school teacher at Tracy, Minn., and for three years, a critic teacher at the University High School in Iowa City. In 1951 he joined Mankato State College as a Professor of Political Science. He is also, currently, Acting Assistant Academic Dean.

¹ *Minnesota Statutes Annotated*, Volume 14, Section 201.02, 1962.

The questionnaire results show that virtually all the officers permit registration any time the office is open. In every case the provision calling for office remaining open until 9:00 P.M. the last three registration days is followed.

Publicity

While not specifically required to publicize the need to register, most offices do. The number of officers using the different publicizing techniques is as follows:

Newspapers	48
Radio	15
Civic organizations	11
Television	4
Telephone	4
Political parties	3
Mail	2
Miscellaneous	7

Many offices used several techniques to make known the need to register or re-register.

Multiple Registration

The statute requires that every elector applying for registration shall be asked whether or not he is already registered in another registration jurisdiction within the United States.³

Five commissioners of registration indicated that they do NOT ask this question. The other 49 who responded indicated that they did.

The statute also requires that if the registrant is registered elsewhere he must sign an authorization to cancel his previous registration.⁴

Five commissioners of registration indicated that they do NOT require the applicant to sign such an authorization.

The statute further requires that the "registration officer shall mail" this authorization to the proper office of registration.⁵

Ten commissioners of registration do NOT mail this authorization.

Accuracy of Registration Facts

Each commissioner of registration was asked if he checked the accuracy of the facts given by the applicant in any way. The responses included 38 "no" and 14 "yes." If they did check for accuracy they were asked to indicate how. Responses included the following:

Mail registration card sent to stated address—if Post Office returns the card the voter is challenged	3
Voting map is used to check out the address ...	3
Check out address with master address list in real estate office	2
Foreign born must show naturalization papers. .	2
Birth records and witnesses	1
Telephone	1
New resident's length of residence is checked ..	1
Spot check	1

³ *Ibid.*, Section 201.07.

⁴ *Ibid.*

⁵ *Ibid.*

Several commissioners indicated that because the applicant took an oath to tell the truth there was little doubt of accuracy and little reason to check.

Additional Compensation

The statutes provide that the commissioner of registration may receive additional salary for this responsibility.⁶

Fourteen indicated that they received additional compensation. The amount most common was \$300 per year, but the range was up to \$1800.

Questionnaire Results—Registration and the Polls

Faulty Registrants

One problem that arises on election day involves those who come to vote and whose registration card cannot be found even though they claim to have registered. Realizing that the fault may be in the mechanics of the system, there seems to be some tendency for voting officials to interpret the rules loosely.

When asked what they do with such persons, many commissioners said they let them vote under certain circumstances. The most general method was that of checking the master registration file. If the card was found, the person was allowed to vote even if his card was not in the duplicate registration file at the polling place. Another method was to require the voter to take an oath and sign a certificate of eligibility.

Identification of the Voter

Another intriguing and highly significant question is the identification of the voter at the polling place. How do the election officials know the voter is who he says he is?

By far the most common technique used to establish identity is the comparison of signatures. Forty-three commissioners used this method. This means that 11 commissioners did not indicate use of this method. In fact, five indicated *no* method of authentication was used. One questionnaire indicated that the officials know all the voters. Another said that "his honesty" was the only check.

Only two commissioners indicated that they felt some persons who were not properly registered were allowed to vote. In both instances this was attributed to misunderstandings on the part of election judges and not to malicious intent.

Elections in Which Registration is NOT Used

The only elections for which registration rolls are NOT used are school elections. When commissioners were asked if they felt registration rolls should be used in ALL elections, 40 said they should, 8 felt they should not, and 6 didn't respond clearly.

Conflicts With Other Units of Government

When asked if conflicts arose in handling voter registration because other units of government control certain phases of the elections, only two commissioners an-

⁶ *Ibid.*, Section 201.04.

swered in the affirmative. The vast majority clearly said there was no such conflict.

Questionnaire Results—Purging the Files

Removing Registration Cards

Permanent registration requires careful culling of the files to keep out deadwood. The statute requires that the commissioner check the files at the close of each calendar year and remove those cards not used for four consecutive years.⁷

Every commissioner indicated that this was done but not always every year. Five commissioners indicated they check the files only once every four years, and another, once every two years. Others did it at times not specified by the law.

Notification of Purged Persons

The law clearly states that a postal card notifying the voter that his registration card has been removed must be sent by the commissioner.⁸

Fourteen commissioners indicate that they do NOT so notify the voters.

Notification of Deaths

This question was asked: "Does the local registrar notify you of all deaths in your electoral district?" A total of 30 commissioners indicated it was NOT done. This is true despite the fact that the statute clearly says, "The local registrar of vital statistics in each county or municipality, as the case may be, shall report monthly to the commissioner the name and address of each adult person who has died while a resident in the registration jurisdiction since the last previous report of such registrar concerning such deaths made to the commissioner. . . ." ⁹

Changes in Names

To the question, "Does the Clerk of Court notify you of changes in names of people in your electoral district?" 29 commissioners responded "no." Five indicated they do NOT remove the cards of such people even if they are notified. Sixteen do NOT notify such persons by mail that they must re-register.

The above condition is true despite the fact that the statute reads, "The clerk of district court in each county in the state shall report monthly to the commissioner of each municipality in the county the name and address of each person, 21 years of age or over, residing in such municipality whose name shall have been changed during the month preceding the date of the report, by marriage, divorce or any order or decree of such court. Upon receipt of such report, the commissioner shall notify such voter by mail that it is necessary for him to re-register under such changed name in order to vote at an election." ¹⁰

⁷ *Ibid.*, Section 201.17.

⁸ *Ibid.*

⁹ *Ibid.*, Section 201.13.

¹⁰ *Ibid.*, Section 201.14.

Guardianships and Commitments

"Does the Probate Judge notify you of guardianships and commitments in your electoral district?" was another question asked. Twenty-two commissioners indicated it was NOT done, despite the fact that the statute says "the Judge of Probate must notify the Commissioner of any one over 21 placed under guardianship and anyone over 21 committed as mentally deficient, mentally ill, senile, or having a psychopathic personality." ¹¹

Notification of Voters Moving

One way to keep voter registration files currently accurate is to notify commissioners when a voter leaves a given district. The commissioners were asked if voters voluntarily notified them when they were moving out of the electoral district. The answers were as follows:

Never	12	Often	7
Seldom	28	Always	1

Another method of notification is for the commissioners to notify each other. The question was asked, "Do Commissioners of Registration notify you when one of your registered voters has moved into their electoral district?" The answers were as follows:

Never	2	Often	32
Seldom	11	Always	7

Interpretations and Conclusions

Registration of Voters

Commissioners of registration do a good job of keeping their offices open for registration and of publicizing the need for registration. Some, however, are lax in cancelling registrations in previous districts. In fact, 10 officials said they did NOT mail out such cancellations even though required to do so by law. This omission is probably not malicious in most instances but certainly opens the way for multiple registration and multiple voting by the individuals involved. Accuracy of facts given by applicants are usually not checked in any way. It is true that the information is given under oath, but in the absence of any verification the way is open for chicanery. Since the whole purpose of registration is to insure that only qualified voters will vote, a more thorough check of voter qualifications should be pursued at the time of registration.

A very serious situation arises from the fact that registration rolls are not used in school elections. One reason is that school districts do not always coincide with municipal districts. However, 40 commissioners felt that registration rolls should be used in ALL elections, including school. One commissioner said, "People become confused over which election they are registered for if they have to be registered for some elections but not for others." Another pointed out that "the school districts are responsible for a major portion of the tax levy." Another said, "School elections are carried on in a most haphazard manner." Another summed up the matter in this way, "Seems to be need for improvement on school

¹¹ *Ibid.*, Section 201.15.

elections over which village clerk has no control. School elections do not have permanent registration systems. More money (from tax dollars) is spent by the school than village, state, and county combined. Hence my concern over school elections (bond issues—board members). Their voting districts should or could coincide with village precincts and use of one registration system thus integrated.”

The conclusion must certainly be that serious thought toward using registration rolls in school elections must be given. Even beyond this, there are those who feel permanent registration should be used for all elections in all districts. One commissioner said, “Permanent registration should be a must in all districts, large and small.”

Purging the Files

It would appear that commissioners are doing a good job of purging the files of those who have not voted for the past four years. However, with 14 commissioners failing to notify such persons by mail that their cards were being purged and that they needed to re-register, there is not only a serious violation of the law but real danger that many persons who want to vote will find that they cannot.

There seems to be no doubt that the majority of the local health officers fail to notify commissioners of deaths in their district. There are some complications here regarding residence, but the fact remains that the law is clearly violated and that cooperation between the different units of government is much less than perfect.

Comments from commissioners concerning failure of the local registrar of vital statistics to report deaths, include the following: “Against statute but no cooperation.” “Only by lists in daily papers which I consider inadequate.” “I requested this but they could not as dead persons are recorded where they die.”

Changes in names are not reported by the Clerk of Court as required by law in 29 of the 54 districts reported, a very high proportion. It may partly be the result of our governmental structure. One response was, “Cannot because changes are listed under Minneapolis address.” Another response was not so conciliatory, “Even though required by law—NO cooperation.”

There is some indication that not all commissioners realize that the law requires notification by mail of those voters who have changed their names, telling them they must re-register. In fact, one commissioner said, “I believe we have enough news articles out, prior to elections, so that these people do come in and re-register.”

Probate judges do not give notices required by law to the commissioners regarding guardianships and commitments, in many instances. One commissioner listed them as “rather uncooperative.”

The problem of purging the files of persons who have moved is probably the biggest one of all. Forty commissioners reported that their registered voters never or seldom notified them that they were moving from the district. This suggests that some other technique is needed. Minnesota law requires that the voter who comes in to register *shall* sign an authorization to cancel any previ-

ous registration and that the registration officer shall mail it to the proper place.¹² With 39 commissioners indicating that they are often or always notified when one of their registered voters has moved to a different district, the indication is that we are making some progress.

One commissioner reported: “I believe Minnesota now has the proper law, which requires that former registration must be cancelled when the citizen registers again here. I would suggest that all states require this and that all electoral districts should have permanent registration of voters. Districts which do not now have ‘permanent registration’ do not now cancel the voter’s previous registration. At other districts we get these notices and from within this state and also from some of the other states. *All states should issue ‘cancellation of former registration’ cards.*”

Another commissioner said, “Notification of former precinct should be mandatory—would keep the files clean—give more accurate tallies at elections—now, we must count people we know are gone but have no legal right to remove as registered voters for tallies.”

Still another commissioner said, “Number of registered voters in a given precinct is misleading because of the large number of cards held 4 years pending notification. Large turn-over rental units may have a number of registrants who have moved.”

Recommendations

Registration of Voters

1. Every voter who registers should have his card mailed to him by first-class mail. If not delivered, his vote should be challenged.

2. Spot checks in person, by mail, and by telephone should be made by the commissioner to check on the accuracy of facts given by the registering voters.

3. Commissioners of registration should be paid some additional salary to compensate them for the extra hours and extra work involved in the registration procedure.

Registration and the Polls

1. Permit persons to vote only if they are properly registered with cards in the duplicate file and/or the master file.

2. Classes for election officials should be held to instruct them on proper procedure.

3. Permanent registration should be required in all municipalities of 2,000 or more.

4. Registration for school elections should be required wherever permanent registration is required. There are difficult problems involved here because districts do not coincide, but a solution must be found.

Purging the Files

1. The office of the secretary of state should send notices to all health officers, clerks of court, and probate judges indicating exactly what their duties are with regard to voter registration.

2. The office of the secretary of state should send no-

¹² *Ibid.*, Section 201.07.

tices to the commissioners of registration carefully outlining their responsibilities. Clarification is needed because laws relating to registration are scattered, commissioners are often new at the job, and they have many other responsibilities.

3. All states should be urged to adopt mandatory cancellation of former registration procedures.

Permanent advanced voter registration is widely used at present and will likely be used even more extensively in the future. While Minnesota has a good voter registration system administered by many conscientious civil servants, there is room for improvement in the areas outlined in this paper.